

UNITED STATES DISTRICT COURT

Northern

District of

California

IMPAX LABORATORIES, INC.

V.

MEDICIS PHARMACEUTICAL CORP.

SUMMONS IN A CIVIL ACTION

EMC

CASE NUMBER  
CV 08

0253

TO: (Name and address of Defendant)

Medicis Pharmaceutical Corp.  
c/o C T Corporation System  
818 West Seventh Street  
Los Angeles, California 90017

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Ron E. Shulman  
Roger J. Chin  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, California 94304

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

RICHARD W. WIERING

JAN 15 2008

CLERK

DATE

(By) DEPUTY CLERK

ANNA SPRINKLES

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE January 24, 2008
NAME OF SERVER (PRINT) Roger J. Chin	TITLE Attorney

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☒ Other (specify): Per agreement of counsel (see attached)

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL n/a
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 1/24/08  
Date

  
Signature of Server

One Market Street  
Spear Tower, Suite 3300  
San Francisco, CA 94107  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**WEIL, GOTSHAL & MANGES LLP**

767 FIFTH AVENUE • NEW YORK, NY 10153-0119

(212) 310-8000

FAX: (212) 310-8007

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SHANGHAI  
SILICON VALLEY  
WARSAW  
WASHINGTON, D.C.

ELIZABETH STOTLAND WEISWASSER  
PARTNER  
DIRECT LINE (212) 310-8022  
elizabeth.weiswasser@weil.com

January 22, 2008

**BY FACSIMILE AND FEDERAL EXPRESS**

Roger J. Chin, Esq.  
Wilson Sonsini Goodrich & Rosati  
One Market Street  
Spear Tower, Suite 3300  
San Francisco, CA 94105-1126

Re: Impax Labs., Inc. v. Medicis Pharmaceutical Corp.,  
CV 08 0253 (ND Cal) (EMC)

Dear Roger:

We represent Medicis Pharmaceutical Corp. in the above-referenced action. Thank you for your letter of January 15th to Seth Rodner attaching a copy of IMPAX's Complaint for Declaratory Judgment, which you indicate has been filed but not served.

We disagree with IMPAX that its declaratory judgment action is appropriate. If IMPAX chooses to maintain the action, you should serve us and we will respond.

Sincerely,

  
Elizabeth Stotland Weiswasser

cc: Seth L. Rodner



One Market  
Spear Street Tower, Suite 3300  
San Francisco, CA 94105-1126

PHONE 415.947.2000

FAX 415.947.2099

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January 22, 2008

**VIA FACSIMILE**

Elizabeth S. Weiswasser, Esq.  
Weil Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

**Re: *IMPAX Laboratories, Inc. v. Medicis Pharmaceutical Corp.*,  
Case No. C08-0253-MMC (N.D. Cal.)**

Dear Elizabeth:

Thank you for your letter of earlier today, in which you suggest that we should serve you with the complaint. Can you confirm by tomorrow that your firm agrees on behalf of the defendant to accept service of the complaint and related materials by Federal Express?

Sincerely,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

A handwritten signature in blue ink, appearing to be 'R. Chin', written over the printed name of Roger J. Chin.

Roger J. Chin

**WEIL, GOTSHAL & MANGES LLP**

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elizabeth.weiswasser@weil.com

January 23, 2008

**BY FACSIMILE AND FEDERAL EXPRESS**

Roger J. Chin, Esq.  
Wilson Sonsini Goodrich & Rosati  
One Market Street  
Spear Tower, Suite 3300  
San Francisco, CA 94105-1126

Re: IMPAX Labs., Inc. v. Medicis Pharmaceutical  
Corp., Case No. C08-0253-MMC (N.D. Cal.)

Dear Roger:

This responds to your letter of yesterday. By this letter, we confirm that Weil, Gotshal will accept service of the complaint in the above-referenced action on behalf of Defendant Medicis Pharmaceutical Corp. Please direct service to my attention.

Sincerely,



Elizabeth Stotland Weiswasser

cc: Seth L. Rodner



Wilson Sonsini Goodrich & Rosati  
PROFESSIONAL CORPORATION

One Market Street  
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January 23, 2008

**VIA FEDERAL EXPRESS**

Elizabeth S. Weiswasser, Esq.  
Weil Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

**Re: *IMPAX Laboratories, Inc. v. Medicis Pharmaceutical Corp.*  
Case No. C08-0253-MMC (N.D. Cal.)**

Dear Elizabeth:

Thank you for agreeing to accept service of the complaint and related materials on behalf of defendant Medicis Pharmaceutical Corp. Enclosed please find defendant's service copy of:

- Summons
- Civil Cover Sheet
- Complaint
- ECF Registration Information Handout
- Welcome to the U.S. District Court San Francisco
- Drop Box Filing Procedures
- Notice of Assignment of Case to a United States Magistrate Judge for Trial
- Order Setting Initial Case Management Conference and ADR Deadlines
- Standing Order for Civil Practice in Cases Assigned for All Purposes to Magistrate Judge Edward M. Chen
- Standing Order for All Judges of the Northern District of California

Wilson Sonsini Goodrich & Rosati  
PROFESSIONAL CORPORATION

Elizabeth S. Weiswasser, Esq.  
January 23, 2008  
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- Report on the Filing or Determination of an Action Regarding a Patent or Trademark
- Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge
- Notice of Impending Reassignment to a United States District Court Judge
- Reassignment Order
- Pretrial Preparation Order
- Standing Orders for Civil Cases Assigned to the Honorable Maxine M. Chesney

Sincerely,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation



Roger J. Chin

RJC/srf  
Enclosures

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on this date on counsel for defendant, via United States mail and facsimile:

Elizabeth S. Weiswasser, Esq.  
Weil Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
Facsimile: (212) 310-8007

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of January, 2008, at San Francisco, California.



Roger J. Chin